

### **REMARKS**

The present amendment is in response to the Office Action dated April 1, 2009. In the present amendment, claims 46 and 48 have been amended, claims 41-43, 45, 47 and 55-58 have been canceled without prejudice, and new claims 59-67 have been added. Accordingly, claims 46, 48 and 59-67 are pending in the present application with claims 46, 59 and 63 being the independent claims. Reconsideration and allowance of pending claims 46, 48 and 59-67 in view of the amendments and the following remarks are respectfully requested.

#### **A. Claim Rejections under 35 U.S.C. 103(a)**

Independent claim 46 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 6,208,872 ("Schmidt"), U.S. Patent No. 7,212,802 ("Rodriguez") and U.S. Patent No. 6,556,819 ("Irvin"). Claim 46 is also rejected under section 103 as being unpatentable over Schmidt, Rodriguez and U.S. Patent No. 6,799,052 ("Agness"). As set forth in MPEP § 2143, in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 127 S. Ct. 1727, 82 USPQ2d 1385, 1395-97 (2007) the Supreme Court identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The KSR Court noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. Applicant respectfully submits that the amended claims are patentable over the cited references.

Independent claim 46 has been amended to clarify that the memory in which the call restriction information is stored is a read only memory. This is supported at least in ¶¶9 and ¶27 of the published application. Storing the information in read only memory is important to prevent a user from being able to modify the call restriction information. Schmidt does not disclose this. The memory in Schmidt is specifically not a read only memory as Schmidt requires that users be able to modify / program both phone numbers and alphanumeric tags (e.g., names) into the memory. See, Schmidt at C6,L28-34. The distinction between the claimed read only memory and the writable

memory of Schmidt is significant to prevent a user from being able to modify the call restriction information.

Independent claim 46 has also been amended to clarify that the read only memory store one or more authorized geographic areas, where each authorized geographic area comprises absolute or relative position information. Schmidt also does not disclose this. Initially, Schmidt does not store authorized geographic areas that comprise absolute or relative position information. What Schmidt discloses is storing a home system ID number that does not comprise any absolute or relative position information as required by claim 46. In contrast to claim 46, Schmidt calculates, in real time, whether the current wireless communication system ID number matches the home wireless communication system ID number. Schmidt requires that the system ID number is received by the mobile station over the air via the control channel of the wireless communication system. Thus, Schmidt discloses a numerical matching calculation and does not disclose storing one or more authorized geographic areas in read only memory where each authorized geographic area comprises absolute or relative position information.

Furthermore, independent claim 46 requires two determining factors to be present in order to permit a call to the inputted number: (1) that the area code of the inputted number is an authorized area code; and (2) that the current location of the wireless communication device is within an authorized geographic area. Schmidt does not disclose the required combination of an authorized area code and the wireless communication device being located in an authorized geographic area to permit a call to an inputted number. Instead Schmidt only discloses one determining factor to be present, which is an authorized system ID number. Specifically, under Schmidt, the home system ID number is always authorized (See, Schmidt at C7,L58-63). If the current system ID number is not the home system ID number then the current system ID number is authorized if the Roam Origination Enable Flag is turned on (See, Schmidt at C7,L64-C8,L10).

Additionally, it is important to note that Schmidt discloses use of system ID numbers that are very different from area codes. As is understood by those skilled in the art a single system ID number may correspond to multiple area codes or to only a

single area code. Conversely a single area code may correspond to one or multiple system ID numbers. Thus, there is no correlation between area codes and system ID numbers, for example, when a new area code is created (e.g., by splitting a current area code into two area codes) there is no corresponding change in system ID numbers.

The addition of Rodriguez, Irvin and Agness fail the cure the deficiencies of Schmidt. Accordingly, Applicant believes that independent claim 46 is presently in condition for allowance and a notice of allowance including claim 46 and its dependent claim 48 is respectfully requested.

### **B. New Claims 59-67**

New independent method claim 63 includes similar limitations as claim 46. Specifically, claim 63 requires storing in a read only memory one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position information. Claim 63 also requires storing in read only memory one or more authorized telephone number area codes. Schmidt does not disclose this.

Claim 63 also requires (1) that the area code of the inputted number is an authorized area code; and (2) that the current location of the wireless communication device is within an authorized geographic area before initiating a call to the telephone number in the requested communication. Accordingly, based on the deficiencies of Schmidt explained above, Applicant believes that claim 63 is presently in condition for allowance.

New independent claim 59 is directed toward a computer readable medium and also requires a read only memory. In the read only memory, claim 59 requires that communication characteristics be stored that comprise information regarding accrual of charges for communications associated with particular communication characteristics. This accrual of charge information is required by claim 59 to be stored in read only memory on the wireless communication device. Schmidt does not disclose the claimed computer readable medium. Schmidt also does not disclose storing such information on the wireless communication device and Schmidt does not disclose a read only memory on the wireless communication device. For these and the other reasons set forth above, Applicant believes that claim 59 is presently in condition for allowance and

a notice of allowance including claims 59 and 63 and their respective dependent claims is respectfully requested.

### **CONCLUSION**

For the foregoing reasons, allowance of pending claims 46, 48 and 59-67 is respectfully requested. If necessary, Applicant requests, under the provisions of 37 CFR 1.136(a), to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Commissioner is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No, 50- 3001 of Kyocera Wireless Corp (Attorney Docket No. UTL00013).

Respectfully Submitted,

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